

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JEFFREY B. MOULD

Plaintiff

v.

NJG FOOD SERVICE INC., *et al.*

Defendants

CIVIL NO. JKB-13-1305

* * * * *

ORDER

In accordance with the foregoing memorandum, it is ORDERED that:

(1) The Court's December 4, 2013 order (ECF No. 90) is hereby VACATED IN PART in that paragraphs (1) and (2) are VACATED;

(2) Defendants' partial motion to dismiss (ECF No. 35) is GRANTED IN PART AND DENIED IN PART:

- a. Counts V, VI, VIII, and IX of Plaintiff's amended complaint (ECF No. 33) are DISMISSED;
- b. With regard to Counts I, II, and IV of Plaintiff's amended complaint (ECF No. 33), Defendants' motion to dismiss is DENIED WITHOUT PREJUDICE;
- c. With regard to Counts III and VII of Plaintiff's amended complaint (ECF No. 33), Defendants' motion to dismiss is DENIED.

(3) Defendants' motion to dismiss (JKB-13-2183, ECF No. 9) is GRANTED IN PART AND DENIED IN PART:

- a. Counts V, VI, and VII of Plaintiffs' second amended complaint (JKB-13-2183, ECF No. 20-1) are DISMISSED;
- b. With regard to Counts I, II, and IV of Plaintiffs' second amended complaint (JKB-13-2183, ECF No. 20-1), Defendants' motion to dismiss is DENIED WITHOUT PREJUDICE.
- c. With regard to Count III of Plaintiffs' second amended complaint (JKB-13-2183, ECF No. 20-1), Defendants' motion to dismiss is DENIED.

Dated this 11th day of April, 2014.

BY THE COURT:

/s/
James K. Bredar
United States District Judge